

**MINUTES**  
**Town of Westfield Board of Adjustment**  
**November 13, 2019**

The Westfield Board of Adjustment met on Wednesday, November 13, 2019, at the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice of this meeting was provided by posting on the public bulletin board and publication in the newspapers that have been designated to receive such notice: the Westfield Leader and the Star Ledger.

**REGULAR MEETING:**

Chairman Masciale opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL: Chris Masciale, Robert Benacchio, Carla Bonacci, Eldy Pavon,  
Allyson Hroblak, Mary Doyle, Matt Sontz, James Keenoy

ABSENT: Frank Fusaro

ALSO PRESENT: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus, Board Secretary

**ADOPTION OF MINUTES:**

Chairman Masciale called for a motion to adopt the minutes of the October 16, 2019, meeting. Robert Benacchio made a motion to adopt the minutes; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Carla Bonacci, Eldy Pavon,  
Allyson Hroblak, Mary Doyle, Matt Sontz, James Keenoy

OPPOSED: None

ABSTAINED: None

ABSENT: Frank Fusaro

Motion carried.

**ADOPTION OF RESOLUTIONS:**

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the October 16, 2019, meeting:

**Charles & Jamie Parks, 411 Everson Place**, application approved with conditions.

**Philip Ellenbogen, 1700 Boulevard**, application approved with conditions.

**Darren Mass, 944 Wyandotte Trail**, application denied.

Robert Benacchio made a motion to adopt the resolutions; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Carla Bonacci, Eldy Pavon,  
Allyson Hroblak, Mary Doyle, Matt Sontz, James Keenoy

OPPOSED: None  
 ABSTAINED: None  
 ABSENT: Frank Fusaro

Motion carried.

*Chairman Masciale stated that the vote of any Board Member on the full set of memorializing resolutions would not be construed to include participation by any member in voting on any resolution for which s/he did not vote, nor did not vote in favor of the action taken by the Board (pursuant to N.J.S. §40:55D-10g).*

Chairman Masciale announce the following application is carried to the December 9, 2019, meeting:

**Neil Wolitzer, 13 Breeze Knoll Drive**

**CARRIED FROM SEPTEMBER 9, 2019:**

**YMCA, 138 Ferris Place & 220 Clark Street**

1/3/2019

Applicant is seeking approval to use the adjacent rear yards of three, single family homes owned by the applicant for employee parking contrary to Section 11.12A, 11.12E11, 13.02B2, 17.03C3, 17.05B, 17.07, 13.01A, 17.02A3, 11.12E14, 13.01GA, and 17.10B2 of the Land Use Ordinance. Ordinance allows parking for a residential use. Proposed is parking for a non-residential use. Ordinance allows a maximum coverage by improvements of 20% for lot 20 and 50% for lots 17, 18, and 19. Proposed is 57.8% for lot 17, 78.2% for lot 18, 77.4% for lot 19, and 77.4% for lot 20. Ordinance allows a maximum floor area for a shed of 150 square feet. Proposed is floor area of 400 square feet for lot 17. Ordinance requires parking areas and driveways to be set back a minimum of 10 feet from any abutting property located in any residential zone. Proposed is parking located less than 10 feet from abutting properties located in a residential zone. Ordinance requires driveways to be at least 10 feet in width. Proposed is a driveway width of 9.1 feet. Ordinance requires all parking, loading areas, and driveways to be curbed with granite block curbing. Proposed is no curbing. Ordinance requires all accessory buildings, structures, and uses to be located on the same lot as the principle structure. Proposed is a shed on lot 17 to serve lots 18, 19, and 20. Ordinance requires 2 parking spots for each lot/a residence with 3 bedrooms. Proposed are 7 spots on lot 17, 6 spots on lot 18, 5 spots on 19. Ordinance requires each residential unit to have a garage. Proposed are no garages for lot 17, 18, or 19, but there will be storage sheds. Ordinance requires an accessory building in the rear yard which abuts a front or side yard on an adjacent property to be setback a minimum of 10 feet. Proposed is a setback of 5 feet for Lot 19. Ordinance requires low level lighting on pavement for vehicle use. Proposed is no lighting on ingress and egress driveway areas. **Application deemed complete on March 12, 2019. 120 day decision date is July 10, 2019.**

John Schmidt, Esq. (53 Cardinal Drive) appeared on behalf of the applicant. He stated we concluded testimony in September, but there are additional photographs that the applicant would like to submit as an exhibit; photos were marked as Exhibit A-1, November 13th.

Chairman Masciale swore in Clark Lagemann (81 Nomahegan Drive). Mr. Lagemann is the Chief Operating Officer of the YMCA. He stated the photos depict all outside construction has been completed, all debris has been cleaned up, and construction has begun on the interior of the building.

Open to public comments.

Jim Boyes (122 Ferris Place) stated there is a parking issue, and it should not be encumbered upon the neighbors to bear the brunt of that parking issue. Mr. Boyes stated he is impacted on two sides with continuous construction activity which negatively impacts his property and the neighborhood. He is not in favor of the increase in parking and lighting in the proposed areas, and is opposed to the application.

John Keville (123 Ludlow Place) stated he is opposed to the application as the proposed parking lot in a residential neighborhood raises a lot of concerns. We have been looking at a construction zone for several years. When I purchased my home, it was abutting 3 backyards with grass; I would not have purchased my home if there was a parking lot behind me.

Phyllis Buttrick (125 Ludlow Place) stated we have been a quiet neighbor over the last 23 years. We were aware of the parking issues when we bought our house, but our backyard backed up to other houses with backyards. If we would have known we would have a parking lot behind us, we would have not bought our home. The construction issues have been going on for years, and we never had a rodent problem until the construction started. We have tried to be a good neighbor, but the applicant has not been a good neighbor to us so we ask that the application not be approved.

Closed to public comments.

John Schmidt stated we tried to comply with comments made by the Board and revised the plan accordingly to make it more user friendly to the neighbors. We expanded the buffers and added more landscaping along the borders, any drainage issues raised have been addressed, the number of parking spaces have been reduced, and the lighting has been changed. These parking spaces will be used for staff only, and the purpose is to make a better parking situation. We are trying to maintain the residential character of the neighborhood while alleviating some of the parking issues that exist, therefore, the application should be approved.

The Board felt the applicant did make some changes to the application to make it better than what was originally presented. Parking is a concern, but there are other ways the parking issues could have been addressed. A parking lot of this size, in a residential neighborhood, is a detriment. The modifications to the plan that the applicant made are not enough to make this the best solution to address the parking issues.

Chairman Masciale called for a motion. Robert Benacchio made a motion to deny; Carla Bonacci seconded.

ALL IN FAVOR:	Robert Benacchio, Carla Bonacci, Eldy Pavon, Allyson Hroblak, Mary Doyle
OPPOSED:	Chris Masciale, Matt Sontz
ABSTAINED:	James Keenoy
ABSENT:	Frank Fusaro

Motion carried.

Application denied.

**CARRIED FROM OCTOBER 16, 2019:**

**Darryl Steinberg, 12 Manchester Drive**

6/27/2019

Applicant is seeking approval to construct an inground pool, pergola, outdoor kitchen area, outdoor fireplace, and patio area contrary to Section 12.04F1 and 13.02D3 of the Land Use Ordinance. Ordinance requires a minimum setback for an inground pool of 15 feet. Proposed is 8 feet. Ordinance allows a maximum building of 20%. Proposed is 20.5%. **Application deemed complete August 26, 2019. 120 day decision date is December 24, 2019.**

John Delaney, Esq. (53 Cardinal Drive) and Darryl Steinberg appeared. Mr. Delaney stated we were here in October, and at that time it was suggested by the Board to revise the plans and carry the application. Mr. Steinberg stated we took the Board's comments under consideration and we put a better plan together than what was submitted previously. The coverage was decreased and the side yard setback variance was eliminated.

Open to public questions. None. Closed to public questions.

Chairman Masciale swore in Richard Cording (58 Ringwood Avenue, Ringwood). The Board accepted Mr. Cording as a licensed landscaped architect.

Mr. Cording went through the revised plans with the Board. The pool was moved over to meet the required 15-foot side yard setback, and the 8-foot setback at the rear of the property will remain with the same landscaping and shrubbery proposed on the previous plan. The fireplace was moved to a different location and the two wood boxes were removed. A reduction was made to the pergola size and the outdoor kitchen is now underneath the pergola. The building coverage is now under the allowable coverage and the only variance required is for the rear yard setback.

Open to public questions and comments. None. Closed to public questions and comments.

The Board was previously concerned with the side yard setback, and the applicant did an excellent job addressing that concern. The 8-foot rear yard setback is adequate and the proposed landscaping creates enough of a buffer that the pool will not impose upon the neighbors.

Chairman Masciale called for a motion. Matt Sontz made a motion to approve; James Keenoy seconded.

ALL IN FAVOR:	Chris Masciale, Robert Benacchio, Carla Bonacci, Eldy Pavon, Allyson Hroblak, Matt Sontz, Mary Doyle
OPPOSED:	None
ABSTAINED:	James Keenoy
ABSENT:	Frank Fusaro

Motion carried.

Application approved.

**Joe & Chrissy Chan, 509 Boulevard Unit A**

9/6/2019

Applicants are seeking approval to retain a shed contrary to Section 13.01G1a and 13.02B2 of the Land Use Ordinance. Ordinance requires a minimum side yard setback for a shed of 5 feet. Proposed is a setback of 1.68 feet. Ordinance allows a maximum shed size of 150 square feet. Proposed is 159 square feet. **Application deemed complete September 16, 2019. 120 day decision date is January 14, 2020.**

Chairman Masciale swore in Joe & Chrissy Chan. Mr. Chan stated at the October meeting we were asked to come back with a survey that shows the shed dimensions and where it is in relation to the stone area. This stone area, which is depicted in the survey, is referred to in the master deed as a limited common area for units a & b. We placed the shed, which is the subject of the variances being requested, within our side of the stone area. An updated survey dated October 29, 2019, was submitted. Mrs. Chan stated the revised survey shows the placement of the shed is not beyond the center point of the stone area. The owner of unit b was made aware of the shed being placed in the stone area.

Open to public questions.

Leim Chen (509 Boulevard, Unit B) stated the applicants did ask for permission to install the shed in the stone area, but the shed encroaches onto his property. Mr. Chen stated he disagrees with testimony given by the Chans and disputes the accuracy of the current survey dated October 29th.

Closed to public questions.

Open to public comments.

Leim Chen (509 Boulevard, Unit B) stated he has a survey dated November 1, 2019, and would like to submit it to the Board for review. Mr. Chen stated his survey shows the Chan's shed encroaches onto his property. He feels the stone area is designed for parking for each unit, and it should not have a shed placed on it.

Diane Dabulas stated the applicants are asking for variances based on the town's ordinances. However, in order to grant the variances, the Board has to be satisfied there is not any confusion about the placement of the shed. This is a conflict between neighbors, with conflicting evidence being presented, and it needs to be resolved before a decision can be made about the variances. The application was carried to the December 9th meeting.

**17-33 Elm Street, LLC., 17-33 Elm Street**

9/13/2019

Applicant is seeking amended preliminary and final major site plan approval to amend condition #5 of the resolution to allow for a change to the façade of the building from what was previously approved by the Board. **Application deemed complete September 16, 2019. 120 day decision date is January 14, 2020.**

James Foerst, Esq. (159 Millburn Avenue, Millburn) appeared on behalf of the applicant. Mr. Foerst stated we were before the Board in June 2018, at which time a use variance was granted to

allow the applicant to use one of the units as a real estate office. We are asking for an amendment to condition #5 of that approval, which stated there will not be any changes made to the façade of the building.

Chairman Masciale swore in the applicant, Eileen Ward Conway (325 Casino Avenue, Cranford) and James Ramentol (310 Springfield Avenue, Berkeley Heights). The Board accepted Mr. Ramentol's credentials as a licensed architect. Mr. Ramentol marked photos of the proposed façade and various downtown properties as Exhibit A-1. He stated the façade changes will be consistent with the character of the downtown. There are four colors being used with blue being the predominant color. The windows will be a painted metal and the grills in between will give more definition; the front door will be similar to the design of the windows. Along the top will be transom light to bring more daylight into the office. There will be columns that will project about 6 or 7 inches off the façade. At the sidewalk level of the façade will be stone or a solid element for durability. Any signage will comply with the sign ordinance, and will be determined by the applicant. Mr. Ramentol stated we wanted to keep the look of the dark blue, which will be accented with subtle shades. The bottom of the façade and the base of the columns will be black, and either gray or tonal differences will be used between the dark blue façade and light blue residential portion. The front door was moved so the interior will be shifted. The interior layout includes a waiting area, an office/conference room, and an open office area.

Open to public questions and comments. None. Closed to public questions and comments.

The Board agreed the design of the front façade represents what is already existing in the downtown. The applicant met the criteria of the open floor plan, which will allow visibility from the street.

Chairman Masciale called for a motion. Matt Sontz made a motion to approve with the following conditions: Any signage will comply with the sign ordinance, the columns and base will project no more than 12 inches, all glass will be clear, and the outside façade change will permit a clear view up to the jog, which is 18 feet 8 inches; Eldy Pavon seconded.

ALL IN FAVOR:	Chris Masciale, Robert Benacchio, Eldy Pavon, Allyson Hroblak, Matt Sontz, Mary Doyle
OPPOSED:	Carla Bonacci
ABSTAINED:	James Keenoy
ABSENT:	Frank Fusaro

Motion carried.

Application approved with conditions.

Chairman Masciale made the following announcement:

The following applications have been carried to the December 9, 2019, meeting:

**Miriam & Joe Verga, 360 Orenda Circle**  
**Joseph Epstein, 1030 Irving Avenue**  
**Augusto Russo, 506 Summit Avenue**  
**Aldona Haines, 870 New England Drive**

**Ariel & Matthew Amster, 114 N. Scotch Plains Avenue**

9/25/2019

Applicants are seeking approval to construct a deck contrary Section 12.04F2 and 12.04G of the Land Use Ordinance. Ordinance allows a maximum building coverage with a deck of 22%. Proposed is 23.1%. Ordinance allows a maximum all improvement coverage of 50%. Proposed 50.9%. **Application deemed complete October 3, 2019. 120 day decision date is January 31, 2020.**

Chairman Masciale swore in Ariel Amster. Referring to the survey, Ms. Amster stated our current deck is too small, it is only 8x4, and fits just 2 chairs. The deck size proposed is 16 x16, which will extend out 16 feet and run along the back of the house. The Board felt the size of the deck was too large and extended too far back into the rear of the property. After some discussion with the Board, the applicant was agreeable to reducing the size of the deck to 16x12.

Open to public questions and comments. None. Closed to public questions and comments.

Chairman Masciale called for a motion. James Keenoy made a motion to approve with the condition the deck be no more than 12 feet into the rear yard; Matt Sontz seconded.

ALL IN FAVOR:	Chris Masciale, Robert Benacchio, Carla Bonacci, Eldy Pavon, Allyson Hroblak, Matt Sontz, Mary Doyle
OPPOSED:	None
ABSTAINED:	James Keenoy
ABSENT:	Frank Fusaro

Motion carried.

Application approved with conditions.

**NEW APPEALS:****Alex Caprio, 912 Stevens Avenue**

9/23/2019

Applicant is seeking approval to construct a one-story addition contrary Section 12.04F1 and 12.04F2 of the Land Use Ordinance. Ordinance allows a maximum building coverage with a deck of 22%. Proposed is 23.6%. Ordinance allows a maximum building coverage of 20%. Proposed is 21.6%. **Application deemed complete on October 8, 2019. 120 day decision date is February 5, 2020.**

Chairman Masciale swore in Alex Caprio and Kenneth Abrams (765 Norman Place). The Board accepted Mr. Abrams's credentials as a licensed architect.

Mr. Abrams stated we are looking to construct an addition, which is 107 square feet, and will be at the rear of the house behind the garage. A new mudroom will be added and the laundry room will be relocated from the basement to the 1st floor. This is a small addition that will not impact the neighbors and will improve the quality of life for the homeowners.

Open to public questions and comments. None. Closed to public questions and comments.

The Board agreed it was a nice design, which is isolated towards the back of the house so it will keep the look of the existing home, and it would not have any impact on the neighbors.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Carla Bonacci, Eldy Pavon,  
Allyson Hroblak, Matt Sontz, Mary Doyle

OPPOSED: None

ABSTAINED: James Keenoy

ABSENT: Frank Fusaro

Motion carried.

Application approved.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 11:02 pm.

Respectfully submitted,

Linda Jacus  
Board Secretary